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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 821—SUGAR QUOTAS

DECISION AND ORDER OF THE SECRETARY OF AGRICULTURE ALLOTTING THE 1941 SUGAR QUOTA FOR THE MAINLAND CANE SUGAR AREA

Preliminary Statement

General Sugar Quota Regulations, Series 8, No. 1, Revision 1, issued by the Secretary of Agriculture pursuant to the provisions of the Sugar Act of 1937, as amended (hereinafter referred to as the "act"), established a 1941 sugar quota for the mainland cane sugar area of 430,794 short tons, raw value.[1]

Under the provisions of section 205 (a) of the act, the Secretary is required to allot a quota whenever he finds that the allotment is necessary (a) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate commerce, (b) to prevent the disorderly marketing of sugar or liquid sugar, (c) to maintain a continuous and stable supply of sugar or liquid sugar, or (d) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for any area. Section 205 (a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulations prescribe.

On January 31, 1941, the Secretary issued the following finding:

Pursuant to the authority contained in section 205 (a) of the Sugar Act of 1937 (Public, No. 414, 75th Congress), as amended, and on the basis of information now before me, I, Claude R. Wickard, Secretary of Agriculture, do hereby find that the allotment of the 1941 sugar quota for the mainland cane sugar area is necessary to prevent the disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States * * *.

The Secretary, on the basis of that finding and pursuant to General Sugar Regulations, Series 2, No. 2, Revised, gave due notice of a public hearing to be held at Baton Rouge, Louisiana, on February 14, 1941, for the purpose of receiving evidence to enable him to make a fair, efficient, and equitable distribution of the 1941 sugar quota for the mainland cane sugar area among persons who market such sugar in the continental United States.

The hearing was duly held at the time and place specified in the notice.

The presiding officer announced at the hearing that the finding of necessity for the allotment of the quota was in the nature of a preliminary finding based on the best information available to the Secretary at the time and that it would be appropriate at the hearing to present evidence on the basis of which the Secretary might affirm, modify, or change such preliminary finding and make or withhold allotment of the quota in accordance therewith (R. pp. 9–10).

Upon the preliminary question of necessity for the allotment, the representative of the Sugar Division testified that, on the basis of information available to the Department, an estimated total supply of approximately 600,000 short tons, raw value, of mainland cane sugar would be available for market in 1941. This estimate was based on a January 1, 1941, effective inventory[2] of 155,000 short tons of sugar and an estimated production during the calendar year 1941 of 445,000 short tons of sugar from proportionate shares of sugarcane of the 1941–42 crop (R. p. 19). The witness testified, further, that in view of the definition of marketing now in effect (R. Exhibit 3), which would permit any processor to market during 1941 all of the sugar processed during such year, and the uneven distribution among processors of the Jan-

[1] All calculations are based on this revised quota.

[2] Effective inventory is the quantity of sugar on hand on January 1, 1941, plus the estimated quantity to be produced after January 1, 1941, from the 1940–41 crop of sugarcane (R. p. 18).

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uary 1, 1941, effective inventory for the industry, it is reasonable to assume that, without allotments, many processors would be unable to market their fair share of the quota during the calendar year (R. p. 20).

The representative of the United States Sugar Corporation stated that he did not believe allotments to be necessary but offered no facts in support of such statement (R. p. 27). The testimony on behalf of the Louisiana processors tended, generally, to confirm the position taken by the representative of the Sugar Division that allotment of the quota is necessary (R. p. 29 *et seq.*).

In regard to the manner in which allotments should be made, the representative of the United States Sugar Corporation recommended that the Secretary allot the quota on the same basis used in 1939 and 1940. The witness stated that the formula, by giving greatest weight to production from proportionate shares, tends to protect the interest of independent producers. He also stated that the formula had been approved by Louisiana processors in the past and had been considered by the Secretary to be fair, efficient, and equitable in prior years. The formula, the witness stated, is just as fair, efficient, and equitable today and should, therefore, be adopted by the Secretary for 1941 (R. pp. 26–28). The representative of Fellsmere Sugar Producers' Association testified that he was in full accord with the testimony offered on behalf of the United States Sugar Corporation (R. p. 110).

The representative of all Louisiana processors active during the past grinding season recommended that the Secretary allot the quota on the same basis used in 1939 and 1940, namely, past marketings of sugar and processings of sugar from proportionate shares of sugarcane, weighted one-fourth and three-fourths, respectively. The witness recommended, further, that past marketings be measured, as in prior years, by the use of the most favorable of the following options:

(1) 100 percent of the average quantity of sugar marketed during any three of the calendar years 1937, 1938, 1939, and 1940,

(2) 80 percent of the average quantity of sugar marketed during any two of the calendar years 1937, 1938, 1939, and 1940, or

(3) 70 percent of the quantity of sugar marketed during any one of the calendar years 1937, 1938, 1939, and 1940.

The witness urged, however, that, instead of measuring processings of sugar from proportionate shares of sugarcane by the use of processings from the next preceding crop, as was done in 1939 and 1940, processings of sugar from proportionate shares of sugarcane be measured in one of the following two ways:

(1) the average quantity of sugar processed from proportionate shares of sugarcane of the two largest of the 1938–39, 1939–40, and 1940–41 crops, or

(2) the estimated processings from proportionate shares of sugarcane of the 1940–41 crop for Florida and the 1941–42 crop for Louisiana, since the major portion of the processings from these crops is avaliable for market during 1941. The estimated production of each Louisiana processor for the crop in question would be determined by multiplying the total estimated production of sugar for Louisiana from such crop by a percentage determined by dividing the average processings for each processor from proportionate shares of sugarcane of the 1938–39, 1939–40, and 1940–41 crops by the sum of such averages (R. pp. 44–50).

The objection of the Louisiana processors to the use of processings from the 1940–41 crop, as a measure of the standard of "processings from proportionate shares," is based on a deficiency in that crop due to freezes, floods, and wind (R. pp. 37–38 and Exhibit 6). The total production of sugar from proportionate shares of sugarcane of the 1940–41 crop in Louisiana was approximately 50 percent of the amount produced from proportionate shares of the 1939–40 crop (R. p. 36 and Exhibit 4). The sugar production for individual processors in Louisiana varied from 23 to 68 percent of the sugar produced from proportionate shares of the 1939–40 crop (R. Exhibit 7). The witness for the Louisiana processors stated that, if processings from the 1940–41 crop were used as a measure of the standard of "processings from proportionate shares," some processors would, by reason of reduced processings in 1940 and small allotments, find it difficult, if not impossible, to finance their operations during the fall of 1941. This situation, it was stated, would render some processors unable to purchase and pay for proportionate share sugarcane, thereby working a hardship on producers of sugarcane (R. pp. 41–42).

The Louisiana processors recommended, further, that Louisiana State University be given an allotment of 350 tons of sugar, regardless of what allotment it would be entitled to under the method of allotment finally adopted (R. pp. 108–9).

Basis of Allotment

Section 205 (a) of the act provides, in part, as follows:

> Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; or the ability of such person to market or import that portion of such quota or proration thereof allotted to him.

It is believed that, in order to make a fair, efficient, and equitable distribution of the 1941 sugar quota for the mainland cane sugar area, allotments should be made on the basis of (1) processings of sugar from proportionate shares of sugarcane, and (2) past marketings of sugar. As heretofore stated in the summary of testimony, past marketings have been measured in prior years by the use of the most favorable of three options. This was deemed to be a fair measure in view of the fact that certain processors had not been engaged in business long

enough to establish a normal position in the industry. However, since all processors, with the exception of Louisiana State University (hereinafter given special consideration), have marketed sugar for the past three years, it is believed that the use of the average quantity of sugar marketed by each processor during the three calendar years 1938, 1939, and 1940, will afford a fair and reasonable measure of past marketings.

The record shows that a large part of the mainland cane sugar area experienced a serious crop shortage in 1940 due to floods and freezes. It is believed that recognition should be given to these circumstances. Consequently, the use of processings from proportionate shares of the 1939–40 and 1940–41 crop, with a weighting of 1 and 2, respectively, will afford such recognition and will constitute a fair and reasonable measure of that statutory standard.

The act contemplates a method of allotment which will, in addition to providing a fair, efficient, and equitable distribution of the quota, afford protection to producers of sugarcane. This result may be accomplished by giving one-fourth weight to past marketings and three-fourths weight to processings, measured in the manner stated above. This weighting will result in a fair, efficient, and equitable distribution of the quota, and will also provide an incentive to processors to grind as much proportionate share sugarcane as possible for purposes of future allotments.

The Louisiana processors recommended at the hearing that Louisiana State University be given an allotment of 350 tons of sugar, regardless of the allotment it would be entitled to under the method of allotment finally adopted (R. pp. 108–109). This allotment is necessary in order to enable the University to operate its experimental factory at Baton Rouge, which is a non-profit organization operating at considerable expense to the University (R. 1940 hearing, p. 145). It is deemed advisable, therefore, before calculating allotments for other Louisiana processors, to allot to Louisiana State University, from the portion of the quota allocable to Louisiana processsors under the foregoing formula, the difference between the quantity of sugar which would be allocated to it under such formula and the 350 tons of sugar requested.

Findings of Fact

On the basis of the record of the hearing, I hereby find that:

1. The effective inventory of all sugar processors in the mainland cane sugar area as of January 1, 1941, was 155,095 short tons of sugar, raw value.

2. The production of sugar for the 1941–42 crop period from proportionate share acreages in the mainland cane sugar area will be approximately 525,000 short tons of sugar, raw value, of which 445,000 short tons will be available for market prior to January 1, 1942.

3. The total supply of mainland cane sugar available for market in 1941 will be substantially in excess of the 1941 quota for the area.

4. A fair and reasonable measure of past marketings of each processor is the average quantity of sugar marketed during the three calendar years 1938, 1939, and 1940, and the past marketings of each processor so measured are as follows:

	Short tons, raw value
Alma Plantation, Ltd	6,600
J. Aron & Co., Inc	7,260
Baldwin Sugar Co	907
Billeaud Sugar Factory	9,743
Blanchard Planting Co	2,138
Breaux Bridge Sugar Coop., Inc	5,011
Burton-Sutton Oil Co., Inc	2,942
Caire & Graugnard	3,462
Caldwell Sugars, Inc	5,830
Columbia Sugar Co	3,780
Cora-Texas Manufacturing Co., Inc	3,912
Cypremort Sugar Co., Inc	7,274
Delgado-Albania Plt'n Commission	6,284
Dugas & LeBlanc, Ltd	7,094
Duhe & Bourgeois Sugar Co., Inc	5,779
Erath Sugar Co	8,852
Evangeline Pepper & Food Prod. Co	2,945
Evan Hall Sugar Cooperative	9,859
W. Prescott Foster	6,057
E. J. Gay Pltg. & Mfg. Co	3,139
Glenwood Sugar Coop., Inc	5,786
Godchaux Sugars, Inc	31,067
Haas Investment Co., Inc	2,222
Helvetia Sugar Cooperative, Inc	4,260
Iberia Sugar Co	10,335
Kessler & Sternfels	164
Lafourche Sugar Co	6,810
Harry L. Laws and Co., Inc	15,192
Levert-St. John, Inc	10,668
Louisiana Penitentiary Board	5,036
Louisiana State University	254
Magnolia Sugar Cooperative, Inc	3,825
The Maryland Co., Inc	4,183
Meeker Sugar Refining Co	5,858
Milliken & Farwell, Inc	13,061
D. Moresi's Sons	2,634
M. A. Patout & Son	6,743
Poplar Grove Pltg. & Ref. Co	6,368
Realty Operators, Inc	26,452
Roane Sugars, Inc	4,976
E. G. Robichaux Co., Ltd	5,441
Ruth Sugar Co., Inc	2,368
San Francisco P. & M. Co., Ltd	1,663
Clarence J. Savoie	6,031
Shadyside Co., Ltd	5,157
Slack Brothers	3,284
Smedes Brothers, Inc	3,178
South Coast Corporation	36,199
Sterling Sugars, Inc	13,338
J. Supple's Sons Pltg. Co., Ltd	4,374
Tally Ho, Inc	4,608
Teche Sugar Co., Inc	4,179
Valentine Sugars, Inc	8,173
Vermilion Sugar Co	6,119
Vida Sugars, Inc	3,466
Waterford Sugar Coop., Inc	5,911
A. Wilbert's Sons L. & S. Co	5,943
Youngsville Sugar Co	5,932
Fellsmere Sugar Prod. Association	5,208
U. S. Sugar Corporation	71,861

5. A fair and reasonable measure of each processor's processings of sugar from sugarcane to which proportionate shares, determined pursuant to section 302 of the act, pertained, is the weighted average of the amounts of the processings from the 1939–40 and 1940–41 crops, with a weighting of 1 and 2, respectively, and each processor's processings so measured are as follows:

	Short tons, raw value
Alma Plantation, Ltd	5,189
J. Aron & Co., Inc	5,103
Baldwin Sugar Co	711
Billeaud Sugar Factory	7,296
Blanchard Planting Co	1,739
Breaux Bridge Sugar Coop., Inc	4,753
Burton-Sutton Oil Co., Inc	2,701
Caire & Graugnard	2,559
Caldwell Sugars, Inc	4,231
Columbia Sugar Co	2,677
Cora-Texas Manufacturing Co., Inc	3,360
Cypremort Sugar Co., Inc	4,143
Delgado-Albania Plt'n Commission	4,205
Dugas & LeBlanc, Ltd	5,952
Duhe & Bourgeois Sugar Co., Inc	4,912
Erath Sugar Co	5,634
Evangeline Pepper & Food Prod. Co	2,159
Evan Hall Sugar Cooperative	7,948
W. Prescott Foster	4,791
E. J. Gay Pltg. & Mfg. Co	2,072
Glenwood Sugar Coop., Inc	4,015
Godchaux Sugars, Inc	22,808
Haas Investment Co., Inc	1,891
Helvetia Sugar Cooperative, Inc	3,043
Iberia Sugar Co	8,392
Kessler & Sternfels	200
Lafourche Sugar Co	4,866
Harry L. Laws and Co., Inc	11,409
Levert-St. John, Inc	7,488
Louisiana Penitentiary Board	3,789
Louisiana State University	234
Magnolia Sugar Cooperative, Inc	3,046
The Maryland Co., Inc	2,639
Meeker Sugar Refining Co	4,596
Milliken & Farwell, Inc	9,544
D. Moresi's Sons	2,327
M. A. Patout & Son	4,897
Poplar Grove Pltg. & Ref. Co	4,874
Realty Operators, Inc	24,813
Roane Sugars, Inc	3,904
E. G. Robichaux Co., Ltd	3,187
Ruth Sugar Co., Inc	1,687
San Francisco P. & M. Co., Ltd	927
Clarence J. Savoie	4,935
Shadyside Co., Ltd	3,782
Slack Brothers	2,155
Smedes Brothers, Inc	2,160
South Coast Corporation	21,676
Sterling Sugars, Inc	8,095
J Supple's Sons Pltg. Co., Ltd	3,227
Tally Ho, Inc	2,698
Teche Sugar Co., Inc	3,638
Valentine Sugars, Inc	5,982
Vermilion Sugar Co	3,785
Vida Sugars, Inc	2,976
Waterford Sugar Coop., Inc	3,673
A. Wilbert's Sons L. & S. Co	5,068
Youngsville Sugar Co	3,738
Fellsmere Sugar Prod. Association [1]	5,075
U. S. Sugar Corporation [1]	73,506

[1] Actual production for 1940–41 crop used instead of estimate.

6. The use of a formula giving one-fourth weight to past marketings and three-fourths weight to processings, as measured above, will result in allotments to processors that are fair and reasonable and will afford protection to the producers of proportionate share sugarcane.

7. The following companies will not market sugar in 1941 and should, therefore, receive no allotment:

A. & J. E. Champagne
M. J. Kahao
T. Lanaux's Sons
S. M. Mayer
McCollam Brothers
Waguespack Planting Co.
Webre-Steih Co. Ltd.
Waverly Sugar Mfg. Co., Ltd.

(R. pp. 106–108 and Exhibit 4).

Conclusions

On the basis of the foregoing, and after consideration of the briefs submitted by interested persons following the hearing and the exceptions filed to the proposed findings of fact, conclusions, and orders of the presiding officers, I hereby determine and conclude that

the allotment of the 1941 sugar quota for the mainland cane sugar area is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States; and that in order to make a fair, efficient, and equitable distribution of such quota, as required by section 205 (a) of the act, allotments should be made by giving one-fourth weight to past marketings and three-fourths weight to processings of sugar from proportionate shares of sugarcane, as measured and found in the findings of fact made above.

Order

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered that:

§ 821.41 *Original allotments.* The 1941 sugar quota for the mainland cane sugar area is hereby allotted to the following processors in the amounts which appear opposite their respective names:

Processor:	*Allotment (short tons, raw value)*
Alma Plantation, Ltd	5,983
J. Aron & Co., Inc	6,091
Baldwin Sugar Co	820
Billeaud Sugar Factory	8,537
Blanchard Planting Co	1,985
Breaux Bridge Sugar Coop., Inc	5,201
Burton-Sutton Oil Co., Inc	2,981
Caire & Graugnard	3,006
Caldwell Sugars, Inc	4,999
Columbia Sugar Co	3,188
Cora-Texas Manufacturing Co., Inc	3,776
Cypremort Sugar Co., Inc	5,318
Delgado-Albania Plt'n Commission	5,101
Dugas & LeBlanc, Ltd	6,734
Duhe & Bourgeois Sugar Co., Inc	5,537
Erath Sugar Co	6,950
Evangeline Pepper & Food Prod. Co	2,542
Evan Hall Sugar Cooperative	9,096
W. Prescott Foster	5,514
E. J. Gay Pltg. & Mfg. Co	2,525
Glenwood Sugar Coop., Inc	4,812
Godchaux Sugars, Inc	26,850
Haas Investment Co., Inc	2,131
Helvetia Sugar Cooperative, Inc	3,613
Iberia Sugar Co	9,584
Kessler & Sternfels	206
Lafourche Sugar Co	5,777
Harry L. Laws and Co., Inc	13,337
Levert-St. John, Inc	8,942
Louisiana Penitentiary Board	4,427
Louisiana State University	350
Magnolia Sugar Cooperative, Inc	3,499
The Maryland Co., Inc	3,265
Meeker Sugar Refining Co	5,303
Milliken & Farwell, Inc	11,252
D. Moresi's Sons	2,595
M. A. Patout & Son	5,784
Poplar Grove Pltg. & Ref. Co	5,665
Realty Operators, Inc	27,228
Roane Sugars, Inc	4,504
E. O. Robichaux Co., Ltd	4,048
Ruth Sugar Co., Inc	2,005
San Francisco P. & M. Co., Ltd	1,199
Clarence J. Savoie	5,623
Shadyside Co., Ltd	4,454
Slack Brothers	2,631
Smedes Brothers, Inc	2,606
South Coast Corporation	27,319
Sterling Sugars, Inc	10,154
J. Supple's Sons Pltg. Co., Ltd	3,793
Tally Ho, Inc	3,428
Teche Sugar Co., Inc	4,073
Valentine Sugars, Inc	7,049
Vermilion Sugar Co	4,715
Vida Sugars, Inc	3,344
Waterford Sugar Coop., Inc	4,568
A. Wilbert's Sons L. & S. Co	5,707
Youngsville Sugar Co	4,627
Fellsmere Sugar Prod. Association	5,516
U. S. Sugar Corporation	78,927
Other processors	0
Total	430,794

(Sec. 205, 50 Stat. 906; 7 U.S.C. 1115)

§ 821.42 *Additional allotments.* Any increase or decrease in the 1941 sugar quota for the mainland cane sugar area shall be prorated among processors on the basis of the allotments set forth above, and such allotments shall be increased or decreased, as the case may be, accordingly. (Sec. 205, 50 Stat. 906; 7 U.S.C. 1115)

§ 821.43 *Restrictions on marketing.* The processors mentioned above are hereby prohibited from shipping, transporting, or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugarcane grown in the mainland cane sugar area in excess of the marketing allotments set forth above. (Sec. 209, 50 Stat. 908; 7 U.S.C. 1119)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 19th day of May, 1941.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-3551; Filed, May 19, 1941; 11:12 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 87—ELECTRICITY, GAS AND WATER [1]

§ 87.1 *Charges for electricity and gas*—(a) *Furnishing to private interests.* (1) Electricity, or gas as fuel, may be furnished to—

(i) Tailor or barber shops,

(ii) Commercial enterprises connected with post exchanges,

(iii) Persons or organizations operating under revocable licenses, provided the circumstances of the case warrant the granting of this privilege and the approval of the War Department has been obtained in each individual case.

(2) The electricity or gas furnished under the provisions of (1) must be paid for by the consumer.

(3) Approval will not be given in the case of applications of private individuals, companies, or corporations to obtain gas or electricity from a Government-owned supply, except for the prosecution of Government work, unless legal authority has been shown to exist for granting the desired privilege either by act of Congress or by an approved opinion of The Judge Advocate General.

(b) *Meters; how provided in certain cases.* (1) When electric current, or gas as fuel, is furnished to private interests (see (a) above) meters therefor will be furnished and installed by the consumer.

(2) When electric current, or gas as fuel, is used by private interests on a temporary installation for a short period and meters are not immediately available, an estimate of consumption is authorized.

(c) *Rates to be charged.* Rates to be charged for electricity and gas will be determined as follows:

(1) Where purchased from commercial companies the rates will be the average distributed cost, determined by dividing the total cost by the total number of units, (k. w. h. or 1,000 cubic feet) distributed.

(2) Where produced by Government-owned and operated plants the rates will be the average distributed cost, determined by dividing the total cost of production at bus bars or gas holders (not including pay of military personnel on duty at such plant) by the total number of unit distributed. (R.S. 161; 5 U.S.C. 22) [Pars. 2, 6, and 7, AR 30-1635, June 6, 1923, as amended by C-2, Oct. 22, 1928]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-3582; Filed, May 20, 1941; 9:40 a. m.]

[1] § 87.1 is added.

CHAPTER IX—TRANSPORT

PART 91—GENERAL TRANSPORT REGULATIONS [1]

§ 91.25 *Transport messes*—(a) *Classification.* The following messes will be established, when practicable, on each ship of the Army Transport Service and on each hospital ship:

(1) Saloon mess.
(2) Ship's mess.
(3) Ship's petty officers' mess.
(4) Sailors' and firemen's mess.
(5) Troop mess.
(6) Hospital mess.

(b) *Saloon mess.* The persons who may be subsisted in the saloon mess will be the commanding officer of troops, transport quartermaster, surgeon, dental surgeon, chaplain, veterinarian, Army nurses, quartermaster agent, quartermaster clerks, and clerk embalmer assigned to the transport; all licensed officers; the chief steward; and all authorized persons traveling as first-class passengers.

(c) *Ship's mess.* (1) The persons subsisted in the ship's mess will be the refrigerating engineer, assistant refrigerating engineers; deck engineer, assistant deck engineer; radio operators, civilian

[1] § 91.25 is added.

or enlisted; electrician, assistant electricians; plumber, assistant plumber; machinist, assistant machinists; boilermaker; stewardesses; civilian veterinarian; baggageman embalmer; enlisted men assigned to duty upon the transport; and all persons authorized to travel as second-class passengers.

(2) Enlisted men of the United States Navy and Marine Corps, of grades corresponding to any of the above-mentioned Army grades.

(3) A special mess is provided on some transports for enlisted men's wives and other second-class passengers in order to relieve the crowded condition of the regular ship's mess. These messes are one and the same, except that they are located in different places; the same regulations apply to both.

(d) *Meals in staterooms or quarters.* No meals, luncheons, or refreshments will be served to passengers, ship's officers, or crews of transports in their staterooms or quarters, unless under written orders of the transport surgeon. These instructions will not apply to officers and crew on duty at night.

(e) *Complaints.* All complaints in regard to service or to sufficiency or quality of food will be made to the commanding officer of troops and by him referred to the superintendent, Army Transport Service, of the home port, with report of action taken.

(f) *Payment for subsistence required—*(1) *General; rates.* All persons chargeable for subsistence will pay the transport quartermaster or quartermaster agent before the sailing of the transport, except as hereinafter provided, at rates to be determined and prescribed by the Quartermaster General semiannually, effective January 1 and July 1 each year.

(2) *In case of immediate family of soldier.* When the immediate family of a soldier travels by Government transport and the soldier in his request for transportation shall have included a statement that the cost of subsistence for the family be charged against his pay, subsistence will be furnished and collection made therefor as provided for sales made on credit and in such a case the subsistence may be allowed to exceed two-thirds of the soldier's pay.

(3) *In case meals not taken.* Deductions will not be allowed for meals not taken during a voyage or in port.

(4) *Entertainment of guests.* When in port guests may be entertained aboard transports by permission of the commanding officer of troops, but the person inviting them must pay the fixed charges for the same. (R.S. 161; 5 U.S.C. 22) [Pars. 1, 3, 9, 10 and 12, AR 30–1220, July 30, 1932, as amended by Cir. 80, W.D., Nov. 29, 1937, and Cir. 9, W.D., Feb. 4, 1938]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-3581; Filed, May 20, 1941; 9:40 a. m.]

PART 93—TRANSPORTATION OF INDIVIDUALS[1]

§ 93.1 *Dependents—*(a) *To whom transportation furnished—*(1) *General.* Whenever commissioned officers, warrant officers, or noncommissioned officers of the first, second, or third grade are ordered to make a permanent change of station, transportation will be furnished for their lawful wives, dependent mothers, and dependent children. See sec. 12, act May 18, 1920 (41 Stat. 604); 10 U. S. C. 756, as amended.

(2) *In connection with retirement.* During the fiscal year 1935 and thereafter, the words "permanent change of station" as used in section 12 of the act approved May 18, 1920 (41 Stat. 604), as amended, shall be held to include the home of an officer or man to which he is ordered in connection with retirement. Sec. 3, act June 24, 1935 (49 Stat. 421); 10 U.S.C. 756b.

(3) *Retired personnel called to active duty and upon relief therefrom.* Section 3 of the act of June 24, 1935 (49 Stat. 421); 10 U.S.C. 756b; (see (2) above), authorizing, in effect, transportation of dependents to the home of an officer upon retirement, where the travel has been performed as required, does not change the rule that a retired officer called from his home to active duty at a permanent station is not entitled to transportation for his dependents from his home to the station nor for the return trip for his dependents to his home upon relief from active duty (see 27 Comp. Dec. 391 and 15 Comp. Gen. 1040), unless there is an express provision for the travel of dependents of retired officers, retired warrant officers, or retired enlisted men of the first three grades ordered to active duty or upon relief therefrom under the applicable appropriation.

(4) *Reserve officers on active duty.* Transportation in kind as now authorized by law for officers of the Regular Army may be furnished dependents of Reserve officers who have been ordered to active duty for periods in excess of 15 days if provision therefor has been made in the current appropriation act; but transportation in kind is not authorized for dependents of Reserve officers for travel from home to first station of Reserve officers or from their last station to home upon relief from active duty.

(5) *Enlisted Reserve Corps.* Transportation is not authorized for wives and dependents of members of the Enlisted Reserve Corps.

(6) *Regular Army Reserve.* Transportation in kind for dependents of enlisted men of the first three grades of the Regular Army Reserve is authorized when such enlisted men are ordered to active duty and upon relief therefrom if provision therefor has been made under the applicable appropriation.

(7) *Dependents of deceased officer or enlisted men.* Where an officer or enlisted man dies while on duty outside the continental limits of the United States his authorized dependents are entitled to transportation from the duty station overseas at which he died either to his home or place of burial in the United States. Otherwise, transportation is not authorized for dependents as such in the case of death of officers and enlisted men. (See MS. Comp. Gen., A 24108, September 19, 1928.) See also § 93.6 which governs as to a dependent acting in the capacity of an attendant.

(b) *Dependent mothers and children defined—*(1) *Mothers.* The term "dependent mothers" as used herein will include the mother of a commissioned officer, warrant officer, or noncommissioned officer of the first, second, or third grade, who resides with him as a member of his household and who is necessarily dependent upon him for her chief support.

(2) *Children.* The term "dependent children" as used herein will include, at all times and in all places, legitimate children, stepchildren, and adopted children, unmarried, under 21 years of age, where such legitimate children, stepchildren, or adopted children are in fact dependent upon the person claiming dependency allowance. A foster child is not included.

(c) *Station of warrant officer, Army Mine Planter Service, defined.* For warrant officers, Army Mine Planter Service, the term "station" as used herein will, in addition to the definition in (a) (2) above, be interpreted to mean a shore station or the home port of the vessel to which the warrant officer is ordered. A duly authorized change in home port of such vessel will be considered to be a change of station.

(d) *Between what places furnished.* Transportation may be furnished—

(1) From old station to the new station.

(2) From any point to the new station, upon deposit with the issuing quartermaster of the excess cost over and above that from the old station to the new station.

(3) From the old station to any point, when for public reasons the dependents are not permitted by the War Department to proceed to the new station in an oversea department, upon deposit with the issuing quartermaster of the excess cost over and above that from the old station to the appropriate port of embarkation en route to the new station.

(4) From any point to the new station in an oversea department, when for public reasons the dependents were not permitted under the orders directing the change of station to proceed to the new station, but have subsequently been authorized by the War Department to proceed to the new station, upon deposit with the issuing quartermaster of the amount by which the cost to the Government of transportation previously furnished under (3) above plus the cost of

[1] §§ 93.1 to 93.7 are added.

that to be furnished under this authorization, exceeds the cost from the old station to the appropriate port of embarkation en route to the new station.

(e) *Beyond the continental limits of the United States*—(1) *To be by Government transport if available.* Transportation to and from stations beyond the continental limits of the United States will be by Government transport if such means of transportation are available. The Comptroller General has held that the Panama Railroad Steamship Line is considered to be Government transport for travel of dependents between the Isthmus of Panama and New York when Army or Navy transports are not available. See MS. Comp. Gen., A–16116, November 5, 1926.

(2) *By whom availability determined.* The availability of such means of transportation will be determined by The Quartermaster General.

(f) *Stop-over en route.* Whenever dependents desire to stop off en route, transportation may be furnished to permit stop-over, provided the quartermaster issuing the transportation requests collects from the dependents as a deposit the sum of $10 for each full-fare ticket and $5 for each half-fare ticket for each stop-over to be made on the shortest usually traveled route, which is not permitted free on a through ticket under the tariff rules of the carriers. Adjustment for any over or short collection will be made by the finance officer charged with the payment of transportation accounts after the cost of the transportation furnished has been determined; such adjustment to be made on the basis of charging the dependents the excess, if any, of the commercial cost of the transportation furnished over and above the commercial cost for through transportation. Whenever stop-over may not be made free on a through ticket on a route equalizing with the shortest usually traveled route at the same or less cost to the Government, the instructions in (g) below will govern.

(g) *Circuitous routes.* Whenever desired, dependents may be furnished transportation with or without stop-over via a route which is not the shortest usually traveled route or one equalizing therewith at the same or less cost to the Government, or may be furnished transportation with stop-over on a route which equalizes with the shortest usually traveled route at the same or less cost to the Government but on which stop-over is not permitted free on a through ticket under the tariff rules of the carriers, upon deposit with the quartermaster issuing the transportation requests of any excess cost over and above that for through transportation via the shortest usually traveled route. Adjustment for any over or short collection will be made by the finance officer charged with the payment of transportation accounts after the cost of the transportation furnished has been determined. See also (f) above.*† [Par. 7]

*§§ 93.1 to 93.7 issued under authority contained in R. S. 161; 41 Stat. 604; 49 Stat. 421; 5 U.S.C. 22; 10 U.S.C. 756, 756b.

†The source of §§ 93.1 to 93.7, inclusive, is AR 30–920, Oct. 4, 1935, as amended by C–2, July 31, 1939, Cir. 96, W.D., Dec. 12, 1939, and Cir. 43, W.D., Mar. 17, 1941.

§ 93.2 *Applicants for enlistment, and recruits*—(a) *Applicants for enlistment.* (1) Transportation will be furnished to accepted applicants for enlistment from the place of acceptance for enlistment, whether a recruiting station or other place where tentatively accepted by a member of a canvassing party or other authorized representative of the recruiting service, to a recruit depot, recruit-depot post or other designated place of enlistment.

(2) *Return transportation; when furnished.* Return transportation to the place of acceptance for enlistment will be furnished to applicants for enlistment who are rejected upon final examination, except those—

(i) Who are rejected because of disqualifications for enlistment concealed by them, or

(ii) Who refuse to enlist.

(b) *Recruits.* Recruits forwarded from place of enlistment will be furnished the same transportation as enlisted men on change of station.*† [Par. 8]

§ 93.3 *Civilian witnesses before military courts.* Civilians not in Government employ are paid mileage and will not be furnished with Government transportation.*† [Par. 13]

§ 93.4 *Enlisted men, upon retirement*—(a) *Transportation.* Subject to (b) below, transportation from his last duty station to his home will be furnished an enlisted man upon retirement, provided that he may not select as his residence a foreign country and receive transportation thereto.

(b) *Time limit.* A period of 1 year from date of retirement is fixed as the time during which transportation authorized in (a) above may be furnished, except that if the individual is confined in a hospital undergoing medical treatment on the date of retirement and continuously therefrom in hospitals during the fixed period of 1 year, or beyond, then in such event the transportation may be furnished within 60 days from the date of discharge from such medical treatment, provided that the application for transportation is supported by a statement of the responsible medical officer certifying as to said extent of medical treatment. The original statement will be attached to the memorandum copy of the transportation request when sent to the finance officer designated to pay the carrier's bill. A copy of the statement will be retained with the quartermaster's copy of the transportation request. No other copies of the statement are necessary.

(c) *Sleeping - car accommodations.* Whenever transportation is authorized under the conditions of (a) and (b) above, sleeping-car accommodations will be furnished as outlined in Army Regulations.*† [Par. 15]

§ 93.5 *Enlisted men, upon discharge.* There is no authority of law for issuing a transportation request to an enlisted man on discharge for any distance for which the law provides that he shall receive travel pay at the rate of 5 cents per mile.*† [Par. 16]

§ 93.6 *Remains*—(a) *From points outside the continental limits of the United States, including Alaska, to ports of debarkation in the United States*—(1) *Remains.* Transports will be availed of wherever possible for the shipment of remains from points outside the continental limits of the United States, including Alaska, to ports of debarkation in the United States. For any distance that transports or other means of Government transportation cannot be used, shipment will be made by appropriate commercial transportation.

(2) *Attendants.* Subject to (3) below, transportation, including berth when an extra charge is made therefor, may be furnished one relative in the capacity of an attendant to the remains of each person from the place of death or an intermediate point to the port of debarkation in the United States, and return when required. No military attendant will be furnished when a relative acts in that capacity, nor in any case except where it may be necessary, in the absence of a relative attendant, to accompany the remains for a portion of the initial distance to the nearest point from which through shipment to the port of debarkation in the United States can be arranged. Under such conditions officer attendants are entitled to the allowance specified in AR 35–4820[1] in both directions, and all other military attendants will be furnished transportation in kind in both directions.

(3) *Dependents of certain deceased from overseas.* Where transportation is furnished for dependents from oversea points under the authority of § 93.1 (a) (4), the commanding officer will determine in each case whether one dependent can act in the capacity of an attendant to the remains. If a dependent acts in that capacity no other attendant will be furnished.

(4) *Orders.* The commanding officer will issue the necessary orders designating the method of shipment and include therein, when necessary under the conditions named in (2) and (3) above, a competent travel order covering the entire travel of the attendant (stating name and status of attendant). He will also telegraph the commanding officer of the port of debarkation in the United States, giving all particulars and requesting that

[1] Administrative regulations of the War Department relative to travel allowances.

further orders be issued covering the shipment from such port.

(b) *From ports of debarkation or place of death, to place of interment, all within the continental limits of the United States, exclusive of Alaska*—(1) *Methods of transportation.* (i) By express, without an attendant, or (ii) As baggage on a transportation request, with an attendant.

(2) *By whom method determined.* The method of shipment will be determined by the commanding officer having jurisdiction of the place at which death occurs or of the port of debarkation, who will conform as far as practicable to the wishes of the relatives. He will then issue the necessary orders designating the method, and if such is as baggage on a transportation request he will include a competent travel order in such orders covering the entire travel of the attendant (stating name and status of attendant) on the basis prescribed in (3) (i) or (ii) below.

(3) *When shipped as baggage on a transportation request*—(i) *Relative in capacity of attendant.* Subject to (a) (3) above, transportation and authorized sleeping-car or similar accommodations prescribed in paragraph 2a (1), AR 30–925,[1] may be furnished to one relative in the capacity of an attendant to the remains of each person from the place of death or the port of debarkation, or an intermediate point, to the place of interment within the continental limits of the United States, exclusive of Alaska, and return when required.

(ii) *Persons in the military service in capacity of attendant.* When no relative is furnished transportation from the place of death or the port of debarkation in the United States, one attendant to the remains of one or more persons to the same destination will be provided from such place or port to the place of interment within the continental limits of the United States, exclusive of Alaska, or to an intermediate point from which a relative will act as attendant for the remaining journey.

The selection of the attendant will rest with the commanding officer, but will in general be of a status corresponding to the former status of the deceased, i. e., the attendant for a commissioned officer will be an officer; for a cadet, United States Military Academy, a cadet; for a member of the Army Nurse Corps, a nurse; for an enlisted man, an enlisted man, etc.

(iii) *Transfers en route.* The separate transportation request for the remains will be issued through from point of origin to destination regardless of any transfers involved between carriers' stations en route but no indorsement will be made on the transportation request to cover such transfers. The carrier's agent will check the remains through from origin to destination. However, the attendant will be instructed by the issuing quartermaster that upon arrival at each point en route where transfer is required he will call upon, and cooperate with, the baggage agent of the carrier in making arrangements for transfer of the remains. The attendant will not request a special transfer service, but regular or ordinary transfer arrangements will be utilized. The baggage agent will make the arrangements for transfer. The attendant will sign a receipt to the baggage agent covering the transfer service, but the attendant will not pay therefor. The bills, if a charge is made for transfer service, supported by these receipts will be submitted by the accounting department of the carrier to the Finance Officer, U. S. Army, Washington, D. C., for payment of any amount properly due.

(c) *Transportation of attendants.* If under the provisions of (a) and (b) above the remains are to be accompanied by an attendant and commercial transportation is involved, it is particularly necessary that transportation be also furnished for the attendant so as to obviate any complications with the carriers in the furnishing of transportation or the settlement of their bills.*† [Par. 17]

§ 93.7 *Checkable personal baggage*—(a) *Definition.* Checkable personal baggage consists in general of trunks and the hand baggage usually carried by travelers.

(b) *Weight of baggage usually carried free.* Tickets issued by carriers usually, though not always, provide for the free carriage of 150 pounds of baggage. See also (d) below.

(c) *When less than 100 pounds carried free.* When the tickets obtainable by enlisted men and applicants for enlistment, traveling under orders without troops, provide for the free carriage of less than 100 pounds of baggage, as on stage lines, the transportation request will provide for the transportation of sufficient excess baggage to make a total of free and excess not to exceed 100 pounds per man.

(d) *On trans-Pacific voyages.* Free allowance of 350 pounds of personal baggage on an adult ticket and 175 pounds on a half ticket will apply for the following classes of traffic presenting tickets purchased for cash or issued in exchange for United States Government transportation requests of the issue of the United States War Department, en route to or from trans-Pacific destinations, via Pacific ports, regardless of whether the passengers use Government transport or commercial steamer:

(1) Commissioned officers, nurses, warrant officers, and noncommissioned officers (master sergeant, technical sergeant, first sergeant, and staff sergeant), of the Army on change of station only.

(2) Wives, dependent children, and dependent mothers of officers, warrant officers, and noncommissioned officers of the first, second, or third grade.

(3) Civilian employees (including laborers) of the War Department.

The foregoing allowances apply only to passengers traveling overland through the United States to or from Pacific ports.

Where Government transports are used from Pacific ports these classes are to present, outbound, at the time baggage is offered for checking, a through railroad ticket to point of embarkation and also an order from competent Government authority certifying that the holder is a trans-Pacific passenger via United States Government transport; similarly, inbound passengers using Government transports must present, at the time baggage is offered for checking, a through railroad ticket from port of entry, each ticket to be stamped "Trans-Pacific."

The foregoing is subject to the overland commercial allowance in connection with trans-Pacific transportation as prescribed in current tariffs. If such allowance is hereafter reduced the baggage allowance on overland traffic will be correspondingly reduced.*† [Par. 19]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-3583; Filed, May 20, 1941; 9:40 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VII—SELECTIVE SERVICE SYSTEM

[Amendment No. 53]

AMENDING THE REGULATIONS SO AS TO INCREASE THE TIME ALLOWED FOR COMPLETING AND RETURNING QUESTIONNAIRE

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten days after the filing of this amendment with the Division of the Federal Register, Volume Three,[1] Section XVII, Paragraph 320, Selective Service Regulations, by striking out the present subparagraphs *a* and *b* thereof and substituting therefor the following:

320. *Time allowed to return questionnaire.* *a.* Unless the local board grants an extension of time, as explained below, the registrant shall complete and return his questionnaire in 10 days after it is mailed to him. (See Paragraph 160.)

b. If the registrant has a valid reason, the local board may grant an extension of time for returning the questionnaire. Examples of valid reasons are:

Too sick to answer the questionnaire;

Too far away to receive and return the questionnaire by mail in 10 days;

[1] Administrative regulations of the War Department relative to sleeping-car and similar accommodations.

[1] 5 F.R. 3923.

Necessary affidavits cannot be obtained in 10 days.

LEWIS B. HERSHEY,
Deputy Director.

MAY 19, 1941.

[F. R. Doc. 41-3597; Filed, May 20, 1941; 11:18 a. m.]

[Amendment No. 54]

AMENDING THE REGULATIONS SO AS TO CLARIFY THE PROCEDURE WHEN QUESTIONNAIRE IS INADEQUATE

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days after the filing of this amendment with the Division of the Federal Register, Volume Three,[1] Section XVII, by striking out the present Paragraph 324 and substituting therefor the following:

324. *Inadequate questionnaire.* When a registrant's questionnaire omits needed information, or contains material errors, or shows that the registrant failed to understand the questions, the local board may return the questionnaire to the registrant for correction and completion and direct him to return same so completed and corrected on or before a specified date. *While compliance with the instructions upon the questionnaire is required, the local board should be guided by common sense rather than technicalities.*

LEWIS B. HERSHEY,
Deputy Director.

MAY 19, 1941.

[F. R. Doc. 41-3598; Filed, May 20, 1941; 11:18 a. m.]

[Amendment No. 55]

AMENDING THE REGULATIONS SO AS TO CLARIFY CLASSIFICATION PROCEDURE

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten days after the filing of this amendment with the Division of the Federal Register, Volume Three,[1] Section XVIII, of the Selective Service Regulations, in the following respects:

1. By changing the fourth line of the index thereof to read:

Classification procedure..... 329

2. By deleting Paragraph 329 and substituting therefor the following:

329. *Classification procedure.* *a.* After receiving the registrant's questionnaire, the local board shall determine in which class the registrant should be placed (see Sections XXI to XXIV). Each registrant may have only one classification at a time. He shall be placed in the lowest class for which grounds are established. The local board may use its authority to summon the registrant and other witnesses before it, using interpreters, if necessary, to secure the information needed for its determination (see Paragraph 325).

b. The classification shall be made solely on the basis of the questionnaire and all other information contained in the registrant's file, whether in the form of affidavits, depositions, or other documents, or in the form of written summaries of testimony given before the local board. Any evidence including a summary of any testimony offered to the local board shall be included in the registrant's file and no evidence not so included may be considered by the local board in classifying the registrant. Great care must be exercised by the local board to place in the registrant's file a record of all evidence offered for its consideration, and under no circumstances should the local board rely on information received by a member personally unless such information is reduced to writing and placed in the file. Only in this way will the file disclose the fact that the local board has given fair consideration to each registrant. The registrant shall be permitted to examine his file under the supervision of the custodian, and the local board shall advise the registrant when any new evidence is added to the file without his knowledge, and he shall be given a reasonable opportunity to reply thereto prior to the action of the local board thereon. For regulations on the confidential nature of certain records, see Volume One, "Organization and Administration."

LEWIS B. HERSHEY,
Deputy Director.

MAY 19, 1941.

[F. R. Doc. 41-3599; Filed, May 20, 1941; 11:18 a. m.]

[Amendment No. 56]

AMENDING THE REGULATIONS SO AS TO CLARIFY THE PROVISIONS FOR NOTICE AND RECORDS OF CLASSIFICATION OR CHANGE IN CLASSIFICATION

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days after the filing thereof with the Division of the Federal Register, Volume Three,[1] Section XVIII, Selective Service Regulations, in the following respects:

1. By changing the seventh line of the index thereof to read: Notice and records of classification or change in classification.

2. By deleting Paragraph 332 and substituting therefor the following:

332. *Notice and records of classification or change in classification.* On the same day that the local board classifies or changes the classification of a registrant, it shall:

a. Mail notice thereof on Notice of Classification (Form 57) to the following:

1. The registrant.
2. The government appeal agent.
3. Any person signing a Form 40-A or Form 42 which has been filed in the registrant's cover sheet.
4. Any person not included in the foregoing who has filed a request to reconsider classification.

If the registrant is placed in Class II-A, such notice shall include the date on which the deferment terminates unless renewed (see paragraph 353).

b. Record its decision showing the classification in which the registrant is placed on the last page of the Questionnaire (Form 40) and on the Classification Record (Form 100). In entering the decision of the Classification Record (Form 100), if the registrant is placed in a subclass of Class I, an "X" should be marked opposite his name in the column under the heading "I", which indicates his subclass. (For example, to show that the registrant is placed in Class I-A, put an "X" opposite his name in the column headed "A" under the heading "I".) If the registrant is placed in any other class, a letter showing the appropriate subclass in which he is placed shall be marked opposite the registrant's name in the column headed "II," "III," or "IV." (For example, to show that the registrant is placed in Class II-A, mark the capital letter "A" opposite his name in the column headed "II," or to show that the registrant is placed in Class IV-F, mark the capital letter "F" opposite his name in the column headed "IV.")

c. Enter on the Classification Record (Form 100) the date when the Notice of Classification (Form 57) is mailed.

d. Enter on the last page of the Questionnaire (Form 40) under the heading "Minutes of Other Actions" the date when and the persons to whom the Notice of Classification (Form 57) is mailed.

LEWIS B. HERSHEY,
Deputy Director.

MAY 19, 1941

[F. R. Doc. 41-3600; Filed, May 20, 1941; 11:18 a. m.]

[Amendment No. 57]

AMENDING THE REGULATIONS SO AS TO ELIMINATE SENDING FILE TO MEDICAL ADVISORY BOARD WHEN APPEAL IS ON MEDICAL GROUNDS

By virtue of the provisions of the Selective Training and Service Act of 1940,

[1] 5 F.R. 3923.

approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten days after the filing of this amendment with the Division of the Federal Register, Volume Three,[1] Section XX, Paragraph 339, of the Selective Service Regulations, by striking out the last sentence of subparagraph *d* thereof, so that said subparagraph as amended will read as follows:

d. Delay by medical advisory board. If the medical advisory board delays its examination of a registrant more than 3 days to await correction of a temporary defect, it shall return the registrant's Form 200 to the local board, with a statement (attached to the Form 200 but not written upon it) of the cause of delay and the time when the registrant should return for further examination. The local board normally shall send the registrant and his Form 200 back to the medical advisory board at the time specified. However, if the local board believes the defect corrected, it may send him back earlier; or if it believes more delay is needed, it may set a later date; or if it decides that further examination is unnecessary, it may proceed without sending him back to the medical advisory board.

LEWIS B. HERSHEY,
Deputy Director.

MAY 19, 1941.

[F. R. Doc. 41-3601; Filed, May 20, 1941; 11:19 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

PART 2—GENERAL RULES AND REGULATIONS

AMENDMENT TO PERMIT REGULATIONS

MAY 8, 1941.

Pursuant to the authority contained in the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 3), § 2.40 of the General Rules and Regulations approved by the Secretary of the Interior on March 19, 1941 (6 F.R. 1626), is amended by adding thereto a new paragraph (g) reading as follows:

§ 2.40 *Permits.*

* * * * *

(g) Through traffic over the East Side Road in Mount Rainier National Park by non-commercial passenger vehicles, and by trucks under 5,000 pounds gross weight is permitted without charge. (Sec. 3, 39 Stat. 535; 16 U.S.C. 3)

Approved:

OSCAR L. CHAPMAN,
Acting Under Secretary.

[F. R. Doc. 41-3578; Filed, May 20, 1941; 9:37 a. m.]

[1] 5 F.R. 3923.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 10—INSURANCE

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

§ 10.3304 *The Policy.*[1] The term "policy" includes any contract of life insurance on the level premium or legal reserve plan, and any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association, on which a premium was paid before date of approval of the Act or not less than thirty days before entry on active duty, and is not void or voidable by reason of military service, (including any limitation or restriction upon the insured's engaging in or pursuing certain types of activities which a person might be required to engage in by virtue of his being in the military service). Policies of United States Government life insurance and National Service Life Insurance are not included within the provisions of the Act. (October 17, 1940) (Art. IV, Pub. 861, 76th Cong.)

* * * * *

NOTE: Paragraphs (a), (b), (c), (d), and (e) remain unchanged.

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 41-3577; Filed, May 19, 1941; 3:16 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 116]

PART 5—FOREIGN CLEARANCES

MAY 19, 1941.

Section 5.82 (a)[2] is hereby amended to read as follows:

§ 5.82 *American vessels denied clearance to belligerent states.* (a) No clearance shall be granted to any American vessel (watercraft or aircraft) carrying passengers or any articles or materials to or via any belligerent state (except for taking on fuel, ship stores or sea stores), regardless of the ultimate destination of such passengers or articles or materials, with the following exceptions: (Sec. 161 R.S.; 5 U.S.C. 122)

* * * * *

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-3596; Filed, May 20, 1941; 10:42 a. m.]

[1] 6 F.R. 128.

[2] § 5.82 (a) appears as § 5.82 (1) at 4 F.R. 5886.

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 204—BRISTOL BAY AREA FISHERIES

Section 204.20 (a) is hereby amended to read as follows:

§ 204.20 *Waters closed to salmon fishing*[1]—(a) *Nushagak Bay.* All waters northward of a line from a marker 2 statute miles below Bradford Point to a marker on the opposite shore at Nushagak Point: *Provided*, That stake nets or set or anchored gill nets limited to beach areas between high and low watermarks will be permitted to the old prohibitive line from Snag Point to the old village on the east bank. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

* * * * *

PART 205—ALASKA PENINSULA AREA FISHERIES[2]

Section 205.15 is hereby amended to read as follows:

§ 205.15 *Open seasons, salmon fishing.* Commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian May 27 in each calendar year and during the remainder of each calendar year after 6 o'clock postmeridian August 15, except that beach seines and gill nets may be used from September 5 to September 30, both dates inclusive. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

PART 208—KODIAK AREA FISHERIES[3]

Section 208.24 *Closed seasons, herring fishing*, is hereby revoked and deleted. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

Section 208.25 is hereby amended to read as follows:

§ 208.25 *Herring catch limitations; exceptions.* In the period from July 1 to October 15, both dates inclusive, the total take of herring for commercial purposes, except for bait and except by gill nets, shall not exceed 250,000 barrels, upon the basis of 250 pounds per barrel, in the waters of Shelikof Strait southeast of a line extending down the middle of the Strait from the latitude of Point Banks to the latitude of Cape Alitak and in all contiguous waters, including the waters of Kupreanof and Raspberry Straits eastward to the western extremity of Whale Island and the waters of Shuyak Strait. In the period from October 16 of one year to June 30 of the succeeding year the total take of herring in these waters for commercial purposes, except for bait and except by gill nets, shall not exceed 10,000 barrels, upon the basis of 250 pounds per barrel, of which not more than 2,000 barrels shall be taken in the period October 16 to November 15, both dates inclusive, and not more than 4,000 barrels shall be taken in any succeeding

[1] 6 F.R. 1237.

[2] 6 F.R. 1238.

[3] 6 F.R. 1241.

30-day period. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

PART 209—COOK INLET AREA FISHERIES

Section 209.16 (b) and (f) are hereby amended to read as follows:

§ 209.16 *Areas open to salmon traps.*[4]

* * * * *

(b) Along the east coast of Chisik Island within 1,000 feet of a point at 60 degrees 8 minutes 10 seconds north latitude, 152 degrees 33 minutes 55 seconds west longitude. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

* * * * *

(f) Along the mainland coast on the east side of Cook Inlet (1) within 1,000 feet of a point at 61 degrees 1 minute 30 seconds north latitude, 150 degrees 25 minutes 30 seconds west longitude; (2) within 1,000 feet of a point at 61 degrees 1 minute north latitude, 150 degrees 27 minutes 7 seconds west longitude; (3) within 1,000 feet of a point at 60 degrees 59 minutes 42 seconds north latitude, 150 degrees 32 minutes west longitude; (4) within 1,000 feet of a point at 60 degrees 59 minutes north latitude, 150 degrees 34 minutes 48 seconds west longitude; (5) within 1,000 feet of a point at 60 degrees 57 minutes 40 seconds north latitude, 150 degrees 39 minutes west longitude; (6) within 1,000 feet of a point at 60 degrees 56 minutes 10 seconds north latitude, 150 degrees 42 minutes 52 seconds west longitude; and (7) within 1,200 feet of a point at 60 degrees 55 minutes 22 seconds north latitude, 150 degrees 44 minutes 40 seconds west longitude. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221.)

* * * * *

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES[5]

Section 211.14 *Closed seasons, herring fishing,* is hereby revoked and deleted. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221.)

Section 211.15 is hereby amended to read as follows:

§ 211.15 *Herring catch limitations; exceptions.* In the period from June 24 to October 15, both dates inclusive, the total take of herring for commercial purposes, except for bait and except by gill nets, shall not exceed 250,000 barrels, upon the basis of 250 pounds per barrel, in the waters of the Prince William Sound area between Cape Puget and Zaikof Point and south of a line extending from the point on the south side of the entrance to Falls Bay to the eastern extremity of Storey Island and thence to Zaikof Point, including all waters contiguous to Montague Island. In the period from October 16 of one year to June 23 of the succeeding year the total take of herring in these waters for commercial purposes, except for bait and except by gill nets, shall not exceed 10,000 barrels, upon the basis of 250 pounds per barrel, of which not more than 2,000 barrels shall be taken in the period October 16 to November 15, both dates inclusive, and not more than 4,000 barrels shall be taken in any succeeding 30-day period. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

PART 220—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON[6]

Southeastern Alaska Area, Herring Fishery

Section 220.3 is hereby amended to read as follows:

§ 220.3 *Herring catch limitations; exceptions.* In the period from June 1 to October 15, both dates inclusive, the total take of herring for commercial purposes, except for bait and except by gill nets, shall not exceed 50,000 barrels upon the basis of 250 pounds per barrel: *Provided,* That there shall not be taken in any calendar month, or portion of such calendar month at the end of the period, more than 20,000 barrels of herring of which not to exceed 10,000 barrels shall be taken in the waters along the west coast of Baranof Island, including the coasts of adjacent small islands, from Point Kakul to Cape Ommaney, and along the southeast coast of Baranof Island from Cape Ommaney to the light at the entrance to Port Armstrong. In the period from October 16 of one year to May 31 of the succeeding year the total take of herring for commercial purposes, except for bait and except by gill nets, shall not exceed 10,000 barrels, upon the basis of 250 pounds per barrel, of which not more than 2,000 barrels shall be taken in the period October 16 to November 15, both dates inclusive, and not more than 4,000 barrels shall be taken in any succeeding 30-day period. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

Sections 220.5 to 220.9, inclusive, are hereby amended to read as follows:

§ 220.5 *Size of herring purse seines.* Commercial fishing for herring, including bait fishing, by means of any purse seine more than 1,250 meshes in depth, more than 180 fathoms in length, or of mesh less than 1½ inches stretched measure between knots is prohibited: *Provided,* That any purse seine may have in addition a strip along the bottom not to exceed 30 meshes in depth and of mesh not less than 4 inches stretched measure between knots. No extension to any seine in the way of leads will be permitted. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

§ 220.6 *Size of herring seines, Klawak Harbor.* Seines used in commercial fishing, including bait fishing, for herring in Klawak Harbor within a true east and west line passing through the northern extremity of Klawak Island shall not exceed 90 fathoms hung measure in length nor 500 meshes in depth. For the purpose of determining depths of such seines measurements will be upon the basis of 1½ inches stretched measure between knots. No such seine shall have a mesh of less than 1½ inches stretched measure between knots. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

§ 220.7 *Traps prohibited, herring fishing.* Commercial fishing for herring, including bait fishing, by means of any trap is prohibited. (Sec. 1, 44 Stat. 752, 48 U.S.C. 221)

§ 220.8 *Use of herring beach seines limited.* Commercial fishing for herring, including bait fishing, by means of any beach seine on any herring spawning ground is prohibited. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

§ 220.9 *Herring fishing prohibited near Lemesurier Point.* All commercial fishing for herring, including bait fishing, by means of any purse seine is prohibited in the waters on the west side of Cleveland Peninsula between 55 degrees 46 minutes north latitude and 55 degrees 44 minutes north latitude, and east of 132 degrees 17 minutes 30 seconds west longitude. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

Three new sections to be known as §§ 220.10a, 220.10b, and 220.10c are hereby inserted following § 220.10, to read as follows:

§ 220.10a *Waters of Chatham Strait in which herring fishing is prohibited or restricted.* All commercial fishing for herring, except for bait purposes, is prohibited, as follows: All waters of Chatham Strait and contiguous waters along the western shore of Admiralty Island between Point Gardner and a point at 57 degrees 40 minutes north latitude: *Provided,* That this prohibition shall not apply to commercial fishing for herring by means of gill nets of mesh not less than 2½ inches stretched measure between knots in the period from June 1 to December 31, both dates inclusive. The taking of herring for bait, except by salmon trolling boats, by means of any gill net not more than 2½ inches stretched measure between knots, of not greater than No. 20 gill net thread, and not exceeding 10 fathoms in length and 100 meshes in depth, is prohibited in all waters of Kootznahoo Inlet east of a line extending from Danger Point to Kootznahoo Head. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

§ 220.10b *Herring fishing restricted in Stephens Passage.* All commercial fishing for herring, except for bait purposes and except by gill nets, is prohibited in the waters of Stephens Passage within a line extending from Point Retreat to the northern extremity of Shelter Island and thence to the mouth of Eagle River on the mainland, and a line extending from Point Arden to Bishop Point. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

§ 220.10c *Herring fishing restricted in Sitka Sound.* All commercial fishing for herring, except for bait purposes and except by gill nets, is prohibited in Sitka Sound northeast of a line extending from Shoals Point to the point on the south side of the entrance to Kanga Bay. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

[4] 6 F.R. 1244.
[5] 6 F.R. 1246.
[6] 6 F.R. 1250.

PART 224—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

Section 224.16 (i) is hereby amended to read as follows:

§ 224.16 *Areas open to salmon traps.*[1]

* * * * *

(i) Kupreanof Island: Northwest coast (1) from a point ½ statute mile southeast of Point Macartney northward to the outer extremity of Point Macartney; (2) within 2,500 feet of a point near Cape Bendel at 57 degrees 3 minutes 23 seconds north latitude, 134 degrees 1 minute 51 seconds west longitude; and (3) within 2,500 feet of a point at 57 degrees 4 minutes 54 seconds north latitude, 133 degrees 56 minutes 13 seconds west longitude (as shown on U. S. Coast and Geodetic Survey Chart No. 8200). (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

* * * * *

HAROLD L. ICKES,
Secretary of the Interior.

MAY 16, 1941.

[F. R. Doc. 41-3595; Filed, May 20, 1941; 10:19 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 50390]

SILVER AND BLACK FOX QUOTA

DECLARATION OF THE SECRETARY OF THE TREASURY PURSUANT TO THE SUPPLEMENTARY TRADE AGREEMENT WITH CANADA SIGNED ON DECEMBER 13, 1940 (T. D. 50295), DETERMINING THE QUOTA OF SILVER OR BLACK FOXES VALUED AT LESS THAN $250 EACH AND WHOLE SILVER OR BLACK FOX FURS AND SKINS (WITH OR WITHOUT PAWS, TAILS, OR HEADS) WITHOUT REFERENCE TO THE COUNTRY OF EXPORTATION, WHICH MAY BE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD MAY 1 TO NOVEMBER 30, 1941

MAY 16, 1941.

Acting pursuant to paragraph (5) of article II of the new supplementary trade agreement with Canada signed on December 13, 1940 (T.D. 50295), I have determined and hereby declare and make public that the number of silver or black foxes valued at less than $250 each and whole silver or black fox furs and skins (with or without paws, tails, or heads), which may be entered, or withdrawn from warehouse, for consumption without reference to the country of exportation during the period May 1 to November 30, 1941, is 3,596.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-3576; Filed, May 19, 1941; 3:04 p. m.]

[1] 6 F.R. 1255.

WAR DEPARTMENT.

[Contract No. W 741-ORD-6018; P. O. 41-2576]

SUMMARY OF CONTRACT[1] FOR SUPPLIES

CONTRACTOR: AMERICAN LOCOMOTIVE COMPANY

Contract for: Carriages * * * Howitzer * * *

Amount: $1,132,200.00.

Place: Rock Island Arsenal, Rock Island, Illinois.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to procurement authorities:

(741) ORD 7069 P2-3030 A1005.105-01.
(741) ORD 7069 P11-3030 A1005-01.
(741) ORD 7069 P11-3030 A1005.105-01

the available balances of which are sufficient to cover cost of same.

This contract, entered into this thirtieth day of August 1940.

Scope of this contract. The contractor shall furnish and deliver carriages, * * * Howitzer for the consideration stated $1,132,200.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

The Contractor shall manufacture or procure all special tools, jigs, fixtures and pattern equipment for use in the fabrication of these Gun Carriages, which shall become the property of the United States.

Performance bond. The Contractor shall furnish a Performance Bond with surety approved by the Secretary of War, in the amount of $283,050.00.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof. For each and every day between the date stipulated for delivery and that upon which actual delivery is made a deduction of * * *% of price of material will be made from any payment due Contractor. Maximum liquidated damage charge * * *% of contract.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination of contract. The United States reserves the right to terminate this contract at any time for failure of the contractor to comply with all requirements of this contract and of the specifications made a part thereof, or should conditions arise which make it advisable or necessary in the interest of the Government to terminate the Contract.

This contract authorized under Section 1 (a) Act July 2, 1940, (Public, No. 703, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-3579; Filed, May 20, 1941; 9:37 a. m.]

[1] Approved by the Under Secretary of War March 12, 1941.

[Contract No. 669 qm-11542; O. I. No. 6832]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: J. P. STEVENS & COMPANY, INCORPORATED

Contract for: Textiles.

Amount: $2,608,625.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this first day of April 1941.

Scope of this contract. The contractor shall furnish and deliver Textiles, for the consideration stated totaling two million, six hundred eight thousand, six hundred twenty-five dollars ($2,608,625.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of ac-

ceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

Bond: Furnished. Amount: $521,-725.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-0240 A 0515-01 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directives Nos. P-C-227, P-C-228, P-C-229, P-C-230, P-C-233, P-C-234.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-3580; Filed, May 20, 1941; 9:39 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 487-FD]

IN THE MATTER OF THE APPLICATION OF WESTMORELAND BRICK COMPANY FOR EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Westmoreland Brick Company, Applicant herein, having on June 17, 1938, filed with the National Bituminous Coal Commission, a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it, in the manufacture of fire brick in its plant at Hunker, Pennsylvania; and

The Commission having, on October 17, 1938, entered an order pursuant to such application, in Docket No. 487-FD, to the effect that the provisions of section 4 II (1) of the Bituminous Coal Act of 1937 do not apply to the bituminous coal produced by Applicant at its mine located at Hunker, Pennsylvania, which is consumed by Applicant in the general manufacture of fire brick at Hunker, Pennsylvania, and that such coals shall not be deemed subject to the provisions of section 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply annually thereafter, and at such other times as the Commission may require for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continued to exist; and

Applicant on October 30, 1939, having filed with the Bituminous Coal Division a verified application for renewal of said order of October 17, 1938; and the Director, by his order dated November 29, 1939, having determined that the conditions supporting the exemption granted by the order dated October 17, 1938, continued to exist; and

Applicant on October 23, 1940, having filed with the Bituminous Coal Division a verified application for renewal of said order of October 17, 1938, pursuant to the requirements of the order granting renewal of exemption dated November 29, 1939; and

The Director having determined that the conditions supporting the exemption granted by the Order of October 17, 1938, continue to exist:

It is ordered, That the application filed October 23, 1940, for renewal of said Order dated October 17, 1938, be and the same hereby is granted;

Provided, however, That the said Order of October 17, 1938, and the exemption granted thereby shall automatically terminate and expire:

1. Unless the Applicant, at the expiration of six months from the date of this order, and at the expiration of each six-month period thereafter, files with the Director a verified report containing the following information which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant and the name and location of the mine or mines covered by this application;

(b) The total tonnage of bituminous coal produced by the Applicant during the preceding six months at such mine or mines;

(c) The total tonnage of such production which was consumed by the Applicant, and the nature and purpose of such consumption;

(d) A statement that all of the facts set forth in the original application for exemption filed June 17, 1938, remain true and correct.

2. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership or management of the mines from which the coal in question is produced, or any change in the facts or circumstances relating to the method of production and distribution of the coals; and

(b) Any change in the ownership of the plants or factories or other facilities at which the coal is consumed, or any change in the facts or circumstances relating to the manner of receiving and consuming the coals involved; and

(c) Any change in the agency or instrumentality through which the coal is being produced on the date of this order.

It is further ordered, That the Director, at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of October 17, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated: May 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3591; Filed, May 20, 1941; 9:56 a. m.]

[Docket No. 594-FD]

IN THE MATTER OF THE APPLICATION OF GENERAL REFRACTORIES COMPANY FOR EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The General Refractories Company of Philadelphia, Pennsylvania, Applicant herein, having on November 23, 1937, filed with the National Bituminous Coal Commission, predecessor of the Bituminous Coal Division, a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant at its mine located at Salina, Pennsylvania, or produced and transported by the Applicant to itself for consumption by it in its refractory plant located at Salina, Pennsylvania; and

The Commission having, on February 8, 1939, entered an order pursuant to such application, in Docket No. 594-FD, ordering that the provisions of section 4-II-(1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by the Applicant at its mine located at Salina, Pennsylvania, and consumed by it in its refractory at Salina, Pennsylvania, and that such coal shall not be deemed subject to the provisions of section 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply annually thereafter, and at such other times as the Commission may require, for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant, on February 23, 1940, having filed with the Bituminous Coal Division a verified application for renewal of said order of February 8, 1939; and

The Director, by his order dated March 20, 1940, having determined that the conditions supporting the exemption granted by the order dated February 8, 1939, continued to exist; and

The Applicant, having on February 17, 1941, filed with the Bituminous Coal Division a verified application for renewal of said order of February 8, 1939, pursuant to the requirements of the order granting renewal of exemption dated March 20, 1940; and

The Director, having determined that the conditions supporting the exemption granted by the orders dated February 8, 1939, and March 20, 1940, continue to exist;

It is ordered, That the application filed February 17, 1941, for renewal of said order dated February 8, 1939, be, and the same hereby is granted;

Provided, however, That said order of February 8, 1939, and the exemption granted thereby shall automatically terminate and expire:

1. Unless the Applicant, at the expiration of six months from date of this order, and at the expiration of each six-month period thereafter, files with the Director a verified report containing the following information which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant and the name and location of the mine or mines covered by this application;

(b) The total tonnage of bituminous coal produced by the Applicant during the preceding six months at such mine or mines;

(c) The total tonnage of such production which was consumed by the Applicant, and the nature and purpose of such consumption;

(d) A statement that all of the facts set forth in the original application for exemption filed November 23, 1937, remain true and correct.

2. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership or management of the mines from which the coal in question is produced, or any change in the facts or circumstances relating to the method of production and distribution of the coals; and

(b) Any change in the ownership of the plants or factories or other facilities at which the coal is consumed, or any change in the facts or circumstances relating to the manner of receiving and consuming the coals involved; and

(c) Any change in the agency or instrumentality through which the coal is being produced on the date of this order.

It is further ordered, That the Director, at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of February 8, 1939, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated: May 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3589; Filed, May 20, 1941; 9:56 a. m.]

[Docket No. 342-FD]

IN THE MATTER OF THE APPLICATION OF JACKSON IRON AND STEEL COMPANY FOR EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Jackson Iron and Steel Company, of Jackson, Ohio, Applicant herein, having on December 28, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced by the Applicant at its mine located in Jackson County, Ohio and transported by the Applicant to itself for consumption by it in the manufacture of pig iron and for producing steam and heat in the operation of its furnace plant, located at Jackson, Ohio; and

The Commission having, on May 17, 1939, entered an order pursuant to a hearing held on said application at Zanesville, Ohio, on May 24, 1938, in Docket No. 342-FD, ordering that the provisions of section 4 II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by Applicant at its mine located in Jackson County, Ohio, and consumed by the Applicant in the business of manufacturing pig iron and producing steam and heat therefor, at its plant located at Jackson, Ohio, and that such coal shall not be deemed subject to the provisions of section 4 of the Bituminous Coal Act of 1937, and further ordering Applicant to apply annually thereafter and at such other times as the Commission may require, for renewal of said order and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant having, as of March 15, 1941, filed with the Director of the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantity of coal produced by the Applicant during the year preceding the filing of the application for renewal, at its mine located in Jackson County, Ohio, and the portion thereof which was consumed by the Applicant in its manufacture of pig iron and in the generation of steam and heat therefor, and which application also contains a statement that all of the facts set forth in the application of December 28, 1937, remain unchanged;

The Director having determined that the conditions supporting the exemption granted by the order of May 17, 1939, continue to exist:

It is ordered, That the application filed by the Applicant for renewal of said order dated May 17, 1939, be and the same is hereby granted;

Provided, however, That the said order dated May 17, 1939, and the exemption granted thereby, and this renewal of said order, shall automatically terminate and expire:

(1) Unless the Applicant, on or before November 4, 1941, files with the Director a verified report for the six-month period ending October 4, 1941, containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption;

(d) A statement that all of the facts set forth in the application of December 28, 1937, remain true and correct;

(2) Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mine from which the coal in question was produced, or in the ownership of the plant or factory or other facility at which the coal is consumed;

(b) Any change in the ownership of the plants or factories or other facilities at which the coal is consumed, or any change in the facts or circumstances relating to the manner of receiving and consuming the coals involved; and

(c) Any change in the agency or instrumentality through which the coal is being produced on the date of this order.

It is further ordered, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of May 17, 1939, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated: May 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3592; Filed, May 20, 1941; 9:57 a. m.]

[Docket No. A-306]

PETITION OF MAGIC CITY COAL COMPANY, A CODE MEMBER IN DISTRICT 15, FOR A REVISION OF THE EFFECTIVE MINIMUM PRICES FOR CERTAIN COALS OF ITS TROJAN MINE (MINE INDEX NO. 795) IN SAID DISTRICT

ORDER OF THE DIRECTOR DISMISSING PETITION

An original petition, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division, on November 5, 1940, by the Magic City Coal Company, a code member in District 15, seeking a revision of the effective minimum prices for the coals of its Trojan mine (Mine Index No. 795); and

A hearing having been held, after due notice to all interested persons, before a duly designated Examiner of the Division at a hearing room of the Division, Federal Building, Kansas City, Missouri, on February 4, 1941; and

The petitioner having been called and having failed to appear at the hearing or to introduce evidence with respect to its petition;

It is ordered, That the aforementioned original petition of Magic City Coal Company be and it is hereby dismissed.

Dated: May 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3593; Filed, May 20, 1941; 9:57 a. m.]

[Docket No. A-356]

PETITION OF DISTRICT BOARD NO. 1 FOR REVISION OF SIZE GROUPS AND PRICES FOR TRUCK COAL IN SUBDISTRICT NO. 1 OF DISTRICT NO. 1

[Docket No. A-793 Part II]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR TRUCK SHIPMENT FOR THE COALS OF THE EBERLINE MINE (MINE INDEX NO. 3121) OF A. H. SWYERS AND A. B. WILSON

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF, CONSOLIDATING DOCKET NO. A-793 PART II WITH DOCKET NO. A-356, AND NOTICE OF AND ORDER FOR HEARING

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was filed by District Board 1 in Docket No. A-793 proposing price classifications and minimum prices for the coals of certain mines not theretofore classified or priced. Among the mines included in that petition was the Eberline mine (Mine Index No. 3121), located in Subdistrict No. 1 of District 1, and owned and operated by A. H. Swyers and A. B. Wilson.

In Docket No. A-356, District Board 1 requested a reduction in the number of size groups for truck shipment from eleven to five for mines in Subdistrict No. 1. Since temporary relief in Docket No. A-356 was granted by Order of February 15, 1941, whereby the size groups for mines in Subdistrict No. 1 of District No. 1 for truck shipment were reduced from eleven to five, and since the question of final relief in that matter is now pending, the Director deems it appropriate that temporary prices for the Eberline mine in Subdistrict No. 1 of District No. 1 should be established at this time in five size groups only, in accordance with the temporary relief granted in Docket No. A-356, and that the question of permanent prices for this mine should be decided together with the issues raised in Docket No. A-356,

Now, therefore, it is ordered, That the portion of Docket No. A-793 relating to the Eberline mine (Mine Index No. 3121) is severed from the remainder of Docket No. A-793 and is designated as Docket No. A-793 Part II.

It is further ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments is revised to include the following effective minimum prices for truck shipments of coals produced at Eberline mine (Mine Index No. 3121):

Size group: 1	2	3	4	5
250	225	225	215	205

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this Order may be filed in accordance with the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act; and

It is further ordered, That the above-entitled matter be, and the same hereby is, consolidated for hearing with Docket No. A-356, which raises analogous issues, the hearing to be held under the applicable provisions of the Act and the rules of the Division on June 25, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N.W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Chas. O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 20, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 1 for the establishment of minimum prices for the coals produced at the Eberline mine (Mine Index No. 3121) for truck shipment, which have not been heretofore priced, and the question whether the minimum prices established for such mines should be limited to five size groups.

Dated: May 17, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3594; Filed, May 20, 1941; 9:57 a. m.]

[Docket No. 494-FD]

IN THE MATTER OF THE APPLICATION OF ROSS CLAY PRODUCT COMPANY FOR RENEWAL OF EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Ross Clay Product Company, of Uhrichsville, Ohio, applicant herein, having on August 5, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the applicant, or produced and transported by the applicant to itself for consumption by it in the business of manufacturing clay products at its plants located near Uhrichsville and Seventeen, Ohio; and

The Commission having, on August 31, 1938, entered an order pursuant to such application, in Docket No. 494-FD, ordering that the provisions of section 4, Part II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by applicant in the business of

manufacturing clay products at its plants located near Uhrichsville and Seventeen, Ohio, and that such coal shall not be deemed subject to the provisions of section 4 of the Bituminous Coal Act of 1937, and further ordering applicant to apply annually thereafter, and at such other times as the Commission may require for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant, on November 9, 1939, having filed with the Bituminous Coal Division a verified application for renewal of said order of August 31, 1938; and

The Director having determined that the conditions supporting exemption granted by order dated August 31, 1938, continued to exist; and thereafter having entered its order dated November 30, 1939, granting renewal of exemption; and

Applicant, on October 31, 1940, having filed with the Bituminous Coal Division a verified application for renewal of said order of August 31, 1938, pursuant to the requirements of the order granting renewal of exemption dated November 30, 1939; and

The Director, having determined that the conditions supporting exemption granted by order dated August 31, 1938, continue to exist;

It is ordered, That the application filed October 31, 1940, for renewal of said order dated August 31, 1938, be, and the same hereby is granted;

Provided, however, That said order of August 31, 1938, and the exemption granted thereby shall automatically terminate and expire:

1. Unless the Applicant, at the expiration of six months from the date of this order, and at the expiration of each six-month period thereafter, files with the Director a verified report containing the following information which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant and the name and location of the mine or mines covered by this application;

(b) The total tonnage of bituminous coal produced by the Applicant during the preceding six months at such mine or mines;

(c) The total tonnage of such production which was consumed by the Applicant, and the nature and purpose of such consumption;

(d) A statement that all of the facts set forth in the original application for exemption filed August 5, 1938, remain true and correct.

2. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership or management of the mines from which the coal in question is produced, or any change in the facts or circumstances relating to the method of production and distribution of the coals; and

(b) Any change in the ownership of the plants or factories or other facilities at which the coal is consumed, or any change in the facts or circumstances relating to the manner of receiving and consuming the coals involved; and

(c) Any change in the agency or instrumentality through which the coal is being produced on the date of this order.

It is further ordered, That the Director, at any time, upon his own motion or upon the petition of any interested person, may direct the applicant to show cause why the exemption granted by the order of August 31, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the applicant herein.

Dated: May 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3590; Filed, May 20, 1941; 9:56 a. m.]

[Docket No. 485-FD]

IN THE MATTER OF THE APPLICATION OF INLAND STEEL COMPANY FOR EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Inland Steel Company, Applicant herein, having on April 12, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by Applicant to itself for consumption by it, in the manufacture of steel at its plant in Indiana Harbor, Indiana; and

The Commission having, on August 31, 1938, entered an order in respect to such application to the effect that the provisions of section 4 II (1) of the Bituminous Coal Act of 1937, apply to the bituminous coal produced by Applicant at its mines located at Wheelwright, Kentucky, which is consumed by Applicant in the general manufacture of steel at Indiana Harbor, Indiana, and that such coal shall not be deemed subject to the provisions of section 4 of the Bituminous Coal Act of 1937; and

Applicant having, on August 28, 1939, filed with the Director of the Bituminous Coal Division a verified application for renewal of said order; and the Director of the Bituminous Coal Division, having, on September 1, 1939, and January 23, 1940, entered his orders renewing the exemption granted to the Applicant by order dated August 3, 1938; and

Applicant having, on July 29, 1940, filed with the Director of the Bituminous Coal Division a further verified application for renewal of said order dated August 31, 1938; and the Director of the Bituminous Coal Division having, on August 26, 1940, entered his order granting a further renewal of exemption; and

Applicant having, on January 31, 1941, filed with the Director of the Bituminous Coal Division a further verified application for renewal of order dated August 31, 1938, pursuant to the requirements of the order granting renewal of exemption dated August 26, 1940; and

The Director now having determined that the conditions supporting the exemption granted by the order dated August 31, 1938, continue to exist:

It is ordered, That the application filed by the Applicant for renewal of said order of August 31, 1938, pursuant to the requirements of order dated August 26, 1940, be and the same hereby is granted;

Provided, however, That said order of August 31, 1938, and the exemption granted thereby shall automatically terminate and expire:

1. Unless the Applicant, at the expiration of six months from the date of this order, and at the expiration of each six-month period thereafter, files with the Director a verified report containing the following information which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant and the name and location of the mine or mines covered by this application:

(b) The total tonnage of bituminous coal produced by the Applicant during the preceding six months at such mine or mines;

(c) The total tonnage of such production which was consumed by the Applicant, and the nature and purpose of such consumption;

(d) A statement that all of the facts set forth in the original application for exemption filed April 12, 1938, remain true and correct.

2. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mine or mines from which the coal in question was produced, or in the ownership of the plant or factory or other facilities at which the coal is consumed;

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order.

It is further ordered, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of August 31, 1938, should not be terminated. Any persons filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated: May 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3588; Filed, May 20, 1941; 9:55 a. m.]

[Docket No. 1597-FD]

IN THE MATTER OF WALLACE COAL COMPANY, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled proceeding having been previously scheduled for hearing on May 29, 1941, at 10 o'clock a. m. at a hearing room of the Bituminous Coal Division at the County Court House, Marion, Illinois, before Travis Williams, a Trial Examiner of the Division;

It is ordered, That the aforesaid hearing be postponed to June 23, 1941, at 10 o'clock a. m. at a hearing room of the Bituminous Coal Division at the County Court House, Marion, Illinois, before said Trial Examiner Travis Williams or before such other person as may be hereafter designated as Trial Examiner.

In all other respects the original Notice of and Order for Hearing shall remain in full force and effect.

Dated: May 19, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-3587; Filed, May 20, 1941; 9:55 a. m]

[Docket No. 1604-FD]

IN THE MATTER OF LITTLE JOHN COAL COMPANY, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled proceeding having been previously scheduled for hearing on April 21, 1941, at 10 a. m. and having been thereafter postponed to May 20, 1941, at 2:00 p. m. at a hearing room of the Bituminous Coal Division at the County Court House, Galesburg, Illinois, before W. A. Shipman, a Trial Examiner of the Division, and it appearing to the Director that said hearing should be again postponed:

It is ordered, That the aforesaid hearing be postponed to June 25, 1941, at 2:00 p. m. at a hearing room of the Bituminous Coal Division at the County Court House, Galesburg, Illinois, before W. A. Shipman, a Trial Examiner, or any other officer of the Bituminous Coal Division that may be designated.

Dated: May 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-3585; Filed, May 20, 1941; 9:55 a. m.]

[Docket No. 1624-FD]

IN THE MATTER OF COAL HILL MINING COMPANY, REGISTRATION NO. 1675, DEFENDANT

[Docket No. 1623-FD]

IN THE MATTER OF POWER FUEL COMPANY, INC., REGISTRATION NO. 7427, DEFENDANT

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARINGS

The above-entitled proceedings having been scheduled for hearing on May 19, 1941, in the Postoffice Building, Punxsutawney, Pennsylvania, before Charles O. Fowler, a Trial Examiner of the Division, and the defendants having requested that the hearing be postponed, and upon good cause shown;

It is ordered, That the hearing in the matter of Coal Hill Mining Company, Registration No. 1675 be postponed until 10 o'clock a. m., and the hearing in the matter of Power Fuel Company, Inc., Registration No. 7427 be postponed until 2 o'clock p. m., on June 6, 1941, at the Post Office Building, Punxsutawney, Pa., before Charles O. Fowler.

The time for filing petitions of intervention in the above-entitled matters is hereby extended until June 1, 1941.

Dated: May 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-3586; Filed, May 20, 1941; 9:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6098]

NOTICE RELATIVE TO WEST ALLIS BROADCASTING CO. (NEW)

Application dated November 29, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, West Allis, Wisconsin; operating assignment specified: Frequency, 1,450 kc. (1,480 kc. under NARBA), power, 250 w. day; hours of operation, daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the daily schedule of operation with respect to total broadcasting time, which the applicant proposes to maintain is adequate to comply with the Commission's Rules (see §§ 3.6, 3.23 and 3.71).

2. To determine the nature and character of the program service the applicant would be expected to render.

3. To determine whether the proposed operation of a local daytime station with 250 watts power on the frequency 1,450 kilocycles (now 1,480 kilocycles under NARBA), which is normally allocated for use by regional stations, would be a proper and efficient use of the channel as contemplated by the Commission's Rules (see § 3.29) and Standards of Good Engineering Practice (see Part 1, Footnote 4).

4. To determine whether the radiating system and transmitter site specified in the application would comply with the requirements of the Commission's Rules and Standards of Good Engineering Practice; and to determine the area and population which would be expected to receive interference-free primary service from the proposed station.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

West Allis Broadcasting Company, 7239 W. Greenfield Avenue, West Allis, Wisconsin.

Dated at Washington, D. C., May 16, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-3584; Filed, May 20, 1941; 9:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

IN THE MATTER OF R. P. CLARKE & CO., LTD., 122 FEDERAL BUILDING, 85 RICHMOND STREET, TORONTO, ONTARIO, CANADA

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCATION AND SUSPENSION OF REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of May 1941.

I

The Commission's public official files disclose that R. P. Clarke & Co., Ltd., a corporation organized under the laws of the Province of Ontario, Canada, is registered as an over-the-counter broker and dealer pursuant to Section 15 of the Securities Exchange Act of 1934.

II

Members of its staff having reported to the Commission information obtained as a result of an investigation of said registrant which tends to show that Roy Percy Clarke, president of the registrant, was convicted on March 7, 1941, by a court for the County of Frontenac, Province of Ontario, Canada, of divers felonies or misdemeanors involving the purchase or sale of securities or arising out of the conduct of the business of a broker or dealer;

III

The Commission having considered such information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true; and

(b) Whether pursuant to section 15 (b) of the Securities Exchange Act of

1934 it is in the public interest to revoke the registration of the registrant; and

(c) Whether pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of the registrant.

IV

It is hereby ordered, That a hearing for the purpose of taking evidence on the questions set forth in Paragraph III hereof be held at 10:00 A. M. on June 4, 1941, at the New York Regional Office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and thereafter at such times and places as the officer hereinafter designated to conduct said hearing may determine; and Adrian C. Humphreys is hereby designated as the officer of the Commission to conduct said hearing, and pursuant to section 21 (b) of the Securities Exchange Act of 1934, is hereby authorized to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the matters in issue at said hearing and to perform all other duties in connection therewith as authorized by law.

It is further ordered, That this order and notice be served on said registrant personally or by registered mail not less than seven (7) days prior to the time of hearing.

Upon the completion of the taking of evidence in this matter, the officer conducting said hearing is directed to conclude said hearing, make his report to the Commission and transmit same with a record of the hearing to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3604; Filed, May 20, 1941; 11:44 a. m.]

[File Nos. 59-19, 54-34]

IN THE MATTER OF GENERAL GAS & ELECTRIC CORPORATION

INTERIM ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of May, A. D. 1941.

General Gas & Electric Corporation,[1] a registered holding company, having in connection with proceedings instituted by the Commission pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 filed a plan for recapitalization pursuant to section 11 (e) of the Act; said plan providing among other things for the merger of Southeastern Electric and Gas Company, a registered holding company, and wholly-owned direct subsidiary of General Gas & Electric Corporation, into General Gas & Electric Corporation; consolidated public hearings having been undertaken pursuant to proper notices which hearings are still pending; General Gas & Electric Corporation having requested that pending the disposition of the other problems presented by the consolidated proceedings, the Commission issue an interim order allowing the merger of Southeastern Electric and Gas Company into General Gas & Electric Corporation forthwith; the Commission having examined that part of the record concerned with the proposed merger and having this day issued its Findings of Fact and Opinion thereon;

It is ordered, That the proposed merger of Southeastern Electric and Gas Company into General Gas & Electric Corporation be and the same hereby is approved, subject, however, to the following conditions:

(1) That the merger of Southeastern Electric and Gas Company into General Gas & Electric Corporation shall be in compliance with the terms and conditions of the petition filed in the above entitled matter requesting this interim order;

(2) That the Commission expressly reserves jurisdiction over the ultimate valuation at which the assets of Southeastern Electric and Gas Company, now being acquired by General Gas & Electric Corporation, are to be reflected in the accounts of General Gas & Electric Corporation;

(3) That the Commission expressly reserves jurisdiction over the open account now running from Southeastern Electric and Gas Company to Associated Gas and Electric Corporation to be assumed by General Gas & Electric Corporation until such time as a definite finding may be made as to what amount, if any, of this open account should be allowed to Associated Gas and Electric Corporation, and that until such determination shall have been made General Gas & Electric Corporation shall make no payment on such open account either in principal or in interest;

(4) That the Commission expressly reserves jurisdiction over the Convertible Obligations running from Southeastern Electric and Gas Company to Associated Gas and Electric Corporation to be assumed by General Gas & Electric Corporation until such time as a definite finding may be made as to what amount, if any, of the securities should be allowed to Associated Gas and Electric Corporation, and that until such determination shall have been made, General Gas & Electric Corporation shall make no payment on such Convertible Obligations either in principal or in interest.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3606; Filed, May 20, 1941; 11:44 a. m.]

[File No. 1-2279]

IN THE MATTER OF THE STANDARD COMMERCIAL TOBACCO COMPANY, INC. COMMON STOCK, $1 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 19th day of May, A. D. 1941.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, $1 Par Value, of The Standard Commercial Tobacco Company, Inc.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Tuesday, June 17, 1941, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3605; Filed, May 20, 1941; 11:44 a. m.]

[File No. 70-309]

IN THE MATTER OF STONEWALL ELECTRIC COMPANY AND ALBUQUERQUE GAS AND ELECTRIC COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its

[1] A subsidiary of Associated Gas and Electric Corporation, which in turn is a subsidiary of Associated Gas and Electric Company, both of which are registered holding companies. These companies on January 10, 1940, filed petitions for reorganization pursuant to Chapter X of the Bankruptcy Act, which proceedings are now pending in the U. S. District Court for the Southern District of New York.

office in the City of Washington, D. C., on the 19th day of May, A. D. 1941.

The above named companies having filed declarations and an application pursuant to the Public Utility Holding Company Act of 1935 particularly sections 7, 10 and 12 (f) thereof, and Rule U-12F-1 thereunder, regarding the issue and sale by Stonewall Electric Company to the Rural Electrification Administration of a mortgage note in an amount not to exceed $216,000, proceeds thereof to be used in constructing rural electric distribution lines adjacent to electric distribution facilities now owned by Albuquerque Gas and Electric Company; and regarding the lease of such properties to Albuquerque Gas and Electric Company, and the execution of an option purchase agreement with respect to the properties to be constructed by Stonewall Electric Company giving Albuquerque Gas and Electric Company the option to buy such constructed properties at the actual legitimate cost thereof; and

Said declarations and application having been filed on May 1, 1941 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declarations or application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and the above named parties having requested that said declarations and application as filed become effective and be granted forthwith; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration pursuant to Rule U-12F-1 to become effective, and finding with respect to said declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act, and that the transaction involved has the tendency required by section 10 (c) (2) of said Act and being satisfied that the effective date of such declaration and the date of granting such application should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declarations be, and hereby are, permitted to become effective and the aforesaid application be, and hereby is, granted forthwith.

By the Commission, (Commissioner Healy not participating).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3607; Filed, May 20, 1941; 11:45 a. m.]

[File No. 70-319]

IN THE MATTER OF NEW YORK STATE ELECTRIC & GAS CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of May, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party;

Notice is further given that any interested person may, not later than June 4, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Applicant proposes to issue $2,000,000 principal amount of its First Mortgage Bonds, 3¾% Series due 1964, in exchange for a like principal amount of its First Mortgage Bonds, 4% Series due 1965, now held as follows:

$1,881,000 by the United States of America (Rural Electrification Administration) as collateral security for the payment of five certain serial notes issued by the applicant to the United States of America;

$119,000 by The Continental Bank & Trust Co. of New York, Trustee under the Indenture securing said bonds.

Upon consummation of said substitution the $2,000,000 principal amount of First Mortgage Bonds, 4% Series due 1965, are to be cancelled.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3602; Filed, May 20, 1941; 11:43 a. m.]

[File No. 70-320]

IN THE MATTER OF NEW YORK STATE ELECTRIC & GAS CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of May, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than June 4, 1941, at 4:30 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Company proposes

(a) to issue and sell $35,393,000 principal amount of its First Mortgage Bonds, due April 1, 1971 (hereinafter called the Bonds), and 120,000 shares of its Cumulative Preferred Stock, par value $100 a share (hereinafter called the Stock);

(b) to redeem, not later than 40 days after the issuance and sale of the Bonds and Stock, at 102% of the principal amount thereof plus accrued interest to the date of redemption, all the Company's outstanding First Mortgage Gold Bonds, 4½% Series due 1980 ($17,094,500 principal amount);

(c) to redeem, not later than 40 days after the issuance and sale of the Bonds and Stock, at 103% of the principal amount thereof plus accrued interest to the date of redemption, all the Company's outstanding First Mortgage Gold Bonds, 4½% Series due 1960 ($3,490,000 principal amount);

(d) to redeem, not later than 40 days after the issuance and sale of the Bonds and Stock, at 105% of the principal amount thereof plus accrued interest to the date of redemption, all the Company's outstanding First Mortgage Gold Bonds, 4% Series due 1965 ($14,808,500 principal amount);

(e) to redeem, not later than 40 days after the issuance and sale of the Bonds and Stock, at 105% of the par amount thereof plus accrued dividends to the date of redemption, all the Company's outstanding 5½% Cumulative Preferred Stock, par value $100 a share (60,000 shares); and

(f) to charge to Earned Surplus all costs and expenses incurred in connection with the redemption of said First Mortgage Gold Bonds and 5½% Cumulative Preferred Stock, the unamortized debt discount and expense applicable to and the redemption premium upon said First Mortgage Gold Bonds, and the unamortized balance of capital stock expense applicable to and the redemption premium upon said 5½% Cumulative Preferred Stock; and to transfer to Earned Surplus from Common Capital Stock Account, and accordingly to reduce the capital represented by outstanding Common Stock by an amount equal to the deficiency in Earned Surplus created by reason of such charges, such charges and transfer to be made as of May 31, 1941.

The proceeds from the sale of said $35,393,000 principal amount of Bonds and said 120,000 shares of Stock, together with such amounts from the general funds of the Company as may be required, are proposed to be applied as follows: (1) $42,880,015 to the payment of the principal of and redemption premium upon said First Mortgage Gold Bonds and 5½% Cumulative Preferred Stock, and (2) $6,000,000 to the deposit with the Trustee under the Company's First Mortgage for withdrawal against expenditures for additional property or against retirement of bonds or refundable divisional lien bonds (as defined in said First Mortgage), in respect of which no additional bonds may be issued so long as there shall be outstanding any bonds of the same series as the Bonds. Accrued interest and accrued dividends to the respective redemption dates on the First Mortgage Gold Bonds and 5½% Cumulative Preferred Stock to be redeemed as aforesaid will be paid by the company out of its general funds. In connection with the authorization of the issuance of the Bonds and Stock, the Public Service Commission of the State of New York required that the proceeds from the sale of $6,000,000 par amount of the Stock be used exclusively for certain construction projects or as otherwise authorized by said Public Service Commission, and, unless and until such requirements shall be modified, changed or rescinded, the Company expects to apply such proceeds to such purposes.

Pursuant to the Commission's Rule U-50 of the General Rules and Regulations under the Act, the Company will publicly invite proposals for the purchase of the Bonds and Stock, the interest rate of the Bonds and the dividend rate of the Stock to be determined in accordance with the provisions of the accepted bid.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

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